

10-21-02

3p 1635

DOCKET NO.: ISIS-4785

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

**In Re Application of:**  
Vasulinga Ravikumar

**Confirmation No.:** 8150

OCT 24 2002

TECH CENTER 1600/2900

**Serial No.:** 09/881,535

**Group Art Unit:** 1635

**Filing Date:** June 14, 2001

**Examiner:** J. Epps

**For:** METHODS FOR PREPARING OLIGONUCLEOTIDES HAVING CHIRAL  
PHOSPHOROTHIOATE LINKAGES

**EXPRESS MAIL LABEL NO:**

EV160092982US

**DATE OF DEPOSIT:** 10/18/02

EV160092982US

Box ☒ NON-FEE

☐ AF

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

**REPLY TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated September 19, 2002.
- ☐ An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- ☐ Other: \_\_\_\_\_.

- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
  - ☐ a Small Business Concern
  - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- ☐ Loss of Entitlement Enclosed
- ☐ Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: \_\_\_\_\_  
\_\_\_\_\_ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
  - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: \_\_\_\_\_
- ☐ Other Material as follows: \_\_\_\_\_

## FEE CALCULATION

☒ No Additional Fee is Due.

|  |                                 |                     |       | SMALL ENTITY |       | NOT SMALL ENTITY |       |
|--|---------------------------------|---------------------|-------|--------------|-------|------------------|-------|
|  | REMAINING<br>AFTER<br>AMENDMENT | HIGHEST<br>PAID FOR | EXTRA | RATE         | FEE   | RATE             | FEE   |
| TOTAL<br>CLAIMS  | 40                              | 40<br>(20 MINIMUM)  | 0     | \$9 EACH     | \$0   | \$18<br>EACH     | \$    |
| INDEP.<br>CLAIMS   | 4                               | 4<br>(3 MINIMUM)    | 0     | \$42<br>EACH | \$0   | \$84<br>EACH     | \$    |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT                     |                                 |                     |       | \$140        | \$    | \$280            | \$    |
| <input type="checkbox"/> ONE MONTH EXTENSION OF TIME         |                                 |                     |       | \$55         | \$    | \$110            | \$    |
| <input type="checkbox"/> TWO MONTH EXTENSION OF TIME         |                                 |                     |       | \$200        | \$    | \$400            | \$    |
| <input type="checkbox"/> THREE MONTH EXTENSION OF TIME       |                                 |                     |       | \$460        | \$    | \$920            | \$    |
| <input type="checkbox"/> FOUR MONTH EXTENSION OF TIME        |                                 |                     |       | \$720        | \$    | \$1440           | \$    |
| <input type="checkbox"/> FIVE MONTH EXTENSION OF TIME        |                                 |                     |       | \$980        | \$    | \$1960           | \$    |
| <input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID |                                 |                     |       | minus        | (\$ ) | minus            | (\$ ) |
| <input type="checkbox"/> TERMINAL DISCLAIMER                 |                                 |                     |       | \$55         | \$    | \$110            | \$    |
| <input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:  |                                 |                     |       |              |       |                  |       |
| TOTAL FEE DUE  |                                 |                     |       |              | 0     |                  | \$    |

- ☐ A check is enclosed in the foregoing amount due.
- ☐ Petition is hereby made under 37 C.F.R. 1.136(a) (fees: 37 C.F.R. § 1.17(a)(1)-(4) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit

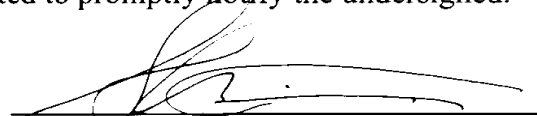
Account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to Deposit Account 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due for filing this paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date:

10/18/02



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ISIS-4785



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*ELECTION*

In re application of: Vasulinga Raviknmar

Serial No.: 09/881,535

Group Art Unit: 1635

Filed: June 14, 2001

Examiner: J. Epps

RECEIVED

OCT 24 2002

TECH CENTER 1600/2900

For: **Methods for Preparing Oligonucleotides having Chiral  
Phosphorothioate Linkages**

EXPRESS MAIL LABEL NO.: EV160092982US  
Date of Deposit: October 18, 2002

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

### RESPONSE TO RESTRICTION REQUIREMENT

This paper is being filed in response to the Restriction Requirement dated September 19, 2002.

**REMARKS**

Claims 1-40 were pending. In response to the Examiner's restriction requirement, Applicant provisionally elects to pursue claims 1-16 and 33-36, Group I, with traverse.

**Restriction Requirement**

The Examiner requires Applicant to elect one of the following designated groups for examination:

Invention I, encompassing claims 1-16, and 33-36, "drawn to a method for preparing an internucleotide phosphorothioate linkage enriched in the Sp enantiomer, classified in class 536, subclass 25.3"; and

Invention II, encompassing claims 17-32, and 37-40, "drawn to a method for preparing an internucleotide phosphorothioate linkage enriched in Rp enantiomer, classified in class 536, subclass 25.3".

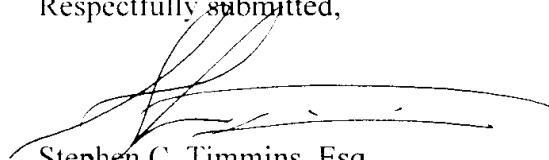
(Office Action at page 2).

In an attempt to advance the prosecution of this application to allowance, Applicant provisionally elects Group I, encompassing claims 1-16, and 33-36 with traverse. Applicants reserve the right to prosecute claims 17-32, and 37-40 in a future divisional application.

Notwithstanding the foregoing, Applicants respectfully submit that Groups I and II as set forth by the Examiner are amenable to being combined and that such grouping would not impose a serious burden on the Examiner as Groups I and II are drawn to related subject matter. For example, Groups I & II are classified as being in the same class and subclass. Applicants request that the Examiner reconsider this restriction requirement after an initial search has been conducted.

Applicant believes that the foregoing is a full and complete response to the Office Action of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen C. Timmins", written over a horizontal line.

Stephen C. Timmins, Esq.  
Registration No. 48,481

Date:

10/18/02

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